HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 1031 of 2006

Nitin Kumar @ Tharmas s/o Sri Som Singh
Village Ibrahimpur, Pathri, District Haridwar.. Applicant

Versus

1. State of Uttaranchal
2. 2nd F.T.C./Addl. Sessions Judge, Haridwar
3. Smt. Sakuntala w/o Sri Ram Singh
   R/o village Ibrahimpur, P.S. Pathri,
   District Haridwar .....Respondents

Dated: 19.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Rajendra Singh counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicant has prayed for quashing of the order dated 28.11.2006 passed under section 319 Cr.P.C. and the entire proceedings of Sessions Trial No. 115 of 2005 State vs. Rajbeer & others, under section 504, 506 I.P.C. & Section 3(1) (x) of S.C. & S.T. (Prevention of Atrocities) Act, pending in the Court of Addl. Sessions Judge, Haridwar.

Sri Rajendra Singh counsel for the applicant has submitted that the applicant has been falsely implicated in this case and no case under the S.C. & S.T. (Prevention of Atrocities) Act is made out against the accused applicant.

The applicant has been summoned by the trial Court under section 319 Cr.P.C. for his trial in Sessions Trial No. 115 of 2005. The trial court has jurisdiction to summon any person

who has been found involved in the crime during the trial on adducing evidence by the prosecution. No interference is required at this stage under section 482 Cr.P.C. in view of the observations made by the Apex Court in the case Ranjit Singth vs. State of Punjab, 1998 SCC (Cri) 1554. However, in case the applicant applied for bail, the same be considered expeditiously.

In view of the above observations, application under Section 482 Cr.P.C. is dismissed.

Dated: 19.12.2006 **Rajesh Tandon, J.**

*Dhyani